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HIGH COURT OF CHHATTISGARH: BILASPUR

Writ Petition (S) No. 7165 of 2007

Petitioner Chandra Kumar Sen, S/o. Shri Gaind Lal Sen, Age about 55 years, Asstt. Teacher, Govt. Primary School, Kurru Block-Abhanpur, Distt.- Raipur (C.G.).

Versus

Respondents

1) State Government of Chhattisgarh, through : Secretary, Tribal & Education Department, D.K.S. Bhawan, Raipur (CG).

2) District Education Officer, Distt – Raipur (C.G).

3) Block Education Officer, Block – Abhanpur, Distt. – Raipur (CG).

(Writ Petition under Article 226 of the Constitution of India)

SB: Hon'ble Mr. Satish K. Agnihotri, J.

Present: Shri Ajay Shrivastava, counsel for the petitioner.
Shri A.S. Kacchawaha, Govt. Advocate for the State.

ORAL ORDER

(Passed on 3rd December, 2007)

The petitioner was appointed on 11-7-1975 as Assistant Teacher on fixed pay scale of Rs100/-. After completion of the probation, he was granted regular pay scale.

2) Learned counsel appearing for the petitioner submits that the issue involved in the case is also whether the petitioner is entitled to regular pay scale with effect from the date of initial appointment of after completion of probation period.

3) The issue involved herein was considered by the Madhya Pradesh State Administrative Tribunal, Jabalpur in O.A.No. 2745/89 (Madhukant Yadu and 56 others Vs. State of M.P. & others) wherein it was held that the similarly situated teachers are entitled to regular pay

scale with effect from the date of initial appointment. The matter was taken up to the Hon'ble Supreme Court. The appeal was dismissed by the Hon'ble Supreme Court upholding the decision of the Tribunal to the effect that the Teachers/Assistant Teachers are entitled to regular pay scale from date of initial appointment.

4) Learned counsel appearing for the petitioner further submits that this Court, while considering the same issue in Ram Kumar Sahu and others Vs. State Govt. of Chhattisgarh and another in Writ Petition (S) No. 813 of 2007 by order dated 12-02-2007, has granted regular pay scale with effect from the date of initial appointment.

5) Learned counsel appearing for the parties jointly submit that this case is squarely covered by the decision of this Court in the case of Ram Kumar Sahu (supra). However, the State is at liberty to verify the facts of appointment as to whether the case of the petitioner is similar to that of the order dated 12-2-2007 passed by this Court in Writ Petition (S) No. 813 of 2007 (supra).

6) In view of the above, this petition is allowed in the same terms. No order as to costs.

Sd/-
Satish K. Agnihotri
Judge

Raju